

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 30, 2010**

**DIVISION ONE**

B214877      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 H.S.

Hazel S.'s appeal filed on March 23, 2009 is dismissed.

Mallano, P.J.

We concur:    Rothschild, J.  
                         Johnson, J.

B217830      Dembrowski, as Trustee, etc.      (Not for Publication)  
                 v.  
                 City of West Hollywood  
                 Venice Investments, et al.

The judgment is affirmed. Respondents are entitled to their costs on appeal.

Mallano, P.J.

We concur:    Rothschild, J.  
                         Johnson, J.

## DIVISION TWO

B218193      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
D.B.

The dependency's court's June 10, 2009, restraining order against father is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                  Ashmann-Gerst, J.

B211135 Jones (Not for Publication)  
v.  
Wills

The order dismissing appellant's complaint without prejudice, which we have treated as a judgment for purposes of appeal, is affirmed. Parties to bear their own costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

[illegible]

The judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Chavez, J.

## DIVISION TWO (continued)

[illegible]

We modify the judgment to strike the award of presentence custody credits. We remand the matter with directions that the trial court enter a new judgment awarding appellant presentence custody credits calculated under section 4019, rather than under section 2933.1. The judgment is affirmed in all other respects.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.  
Chavez, J.

## DIVISION THREE

B211925 Eileen Norwood (Not for Publication)  
v.  
Rose Hills Company, etc.

The judgment is reversed. Rose Hills is to bear all costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B219898      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Marla D. et al

The orders of the juvenile court are affirmed. The Department's motion to dismiss the appeal as moot is denied.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

### DIVISION THREE (continued)

[illegible]

The matter is remanded to the juvenile court, Department 260, so the juvenile court can (1) comply with Welfare and Institutions Code section 702 and, if necessary, modify Malcolm's maximum period of confinement; and (2) modify probation condition No. 15 to include a knowledge requirement. The judgment is otherwise affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B218086 People (Not for Publication)  
v.  
Garabet Tokhmanian

The order of the superior court dated July 15, 2009, which granted Tokhmanian's petition for a writ of habeas corpus, reinstated the Board's October 5, 2006 decision, vacated the Governor's reversal of that decision, and ordered Tokhmanian released in accordance with the parole date calculated by the Board, is affirmed. The stay of the superior court's July 15, 2009 order is lifted. In the interests of justice, this opinion is made final as to this court immediately upon its filing. (In re Dannenberg, *supra*, 173 Cal.App.4th at p. 257; In re Masoner, *supra*, 179 Cal.App.4th at p. 1541.)

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

## March 30, 2010 (Continued)

## DIVISION FOUR

B214224      Miller      (Not for Publication)

V.

Hawaiian Gardens Casino, et al.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Suzukawa, J.

B213992 Elite Dining Services, Inc., et al. (Not for Publication)

V.

Champion, as Trustee, etc., et al.

The judgment is affirmed. Each party is to bear its respective costs on appeal.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

## DIVISION FIVE

B195197 People

V.

Reyes Concha &amp; Julio Hernandez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION FIVE (continued)

B220373      Los Angeles County, D.C.F.S.

V.

Rachel C.

In re Grace M.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed November 2, 2009) dismissed.

## DIVISION SEVEN

B210365 People (Not for Publication)

V.

Joseph

The judgment is affirmed.

Perluss, P.J.

We concur:   Zelon, J.  
                      Jackson, J.

B204075      Barbara Maasen      (Not for Publication)

V.

Marc Maasen

The judgment is affirmed. Respondent shall recover his costs on appeal.

Zelon, J.

We concur: Woods, Acting P.J.  
Jackson, J.

DIVISION SEVEN (continued)

B217911      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Jose G.

The order of the juvenile court terminating parental rights is affirmed.

Zelon, J.

We concur:    Perluss, P.J.  
                 Jackson, J.

B213001      People      (Not for Publication)  
                 v.  
                 Mattox

The judgment is affirmed.

Jackson, J.

We concur:    Woods, Acting P.J.  
                 Zelon, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Lichtman, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B211043 People v. Mejia  
B209375 People v. Cruz  
B214607 People v. Moreno  
B211008 People v. Granados  
B208928 People v. Quezada & Gonzalez  
B207318 People v. Fields et al.

Argument waived, cause submitted.

DIVISION EIGHT (continued)

B220346     The People

v.

Superior Court, Los Angeles County  
(Marcos Barboza Costa, r.p.i.)

Merits:

Argued by Natasha Cooper, Deputy District Attorney for petitioner and by Stephen A. Meister for real party in interest. Cause submitted.

B214677     Jobe Atashi

v.

Foothill Nissan, et al.

Merits:

Argued by Ali Taheripour for appellants and by Christine Coverdale for respondent. Cause submitted.

B214955     Jose Martinez et al.

v.

Ford Motor Company, et al.

Merits:

Argued by Jill McDonald for appellants; by Richard Derevan for respondent Ford Motor Company; and by Elizabeth A. Kurtz for respondent Cooper Tire and Rubber Company. Cause submitted.

B213306     Sarah Farokhzadeh

v.

Too Faces Cosmetics, Inc., et al.,

Merits:

Argued by Donald A. Beshada for appellant and by Rosamund Lockwood for respondents. Cause submitted.



DIVISION EIGHT (continued)

B210280     Tu My Tong  
               v.  
               Michael Rone et al.

Merits:  
Argued by Janice R. Mazur for appellant and by Hanwei Cheng for  
respondents. Cause submitted.

Court recessed

Court reconvened at 11:20 a.m.

Present: Bigelow, P.J., Rubin, J., Lichtman, J. (Assigned) and Emma Jean Amos, Deputy  
Clerk.

B209868     Luciano Fabbio  
               v.  
               Zareh Narghizian, et al.

Merits:  
Argued by Hillel Chodos for appellant and by James M. Jimenez for  
respondents. Cause submitted.

B204150     Dieter Trattmann  
               v.  
               Garrison Key

Merits:  
Argued by Michael Barbee for appellant and by Leonard S. Sands for  
appellant. Cause submitted.

B204220     Hilf  
               v.  
               Humbred

Oral argument continued to April 30, 2010, at 10:30 a.m.

## DIVISION EIGHT (continued)

B205698 People  
v.  
Salvador Villanueva, et al.

Merits:

Argued by Allen Weinberg for appellant Villanueva. Jennifer Mannix for appellant Vasquez and Chung L. Mar, Deputy Attorney General, for respondent previously waived oral argument. Cause submitted.

Court adjourned.

B210503      People      (Not for Publication)  
v.  
Michael Ivan Molina

The jury's verdicts finding defendant Michael Molina guilty of one count of first degree murder, and three counts of attempted premeditated murder, along with all of the findings attached to those convictions, are affirmed. As to the sentence on the enhancements in counts 3 and 4 for discharging a firearm (Pen. Code, § 12022.53, subd. (c)), the abstract must be amended so that those terms are ordered to run concurrent. The trial court is directed to forward a corrected abstract of judgment to the Department of Corrections.

Bigelow, P.J.

We concur: Rubin, J.  
Lichtman, J. (Assigned)

DIVISION EIGHT (continued)

B211777 Carson Harbor Village, Ltd., (Not for Publication)  
v.  
City of Carson

The judgment is reversed, and the matter is remanded to the trial court with directions to require the Carson City Council to review the application by Carson Harbor Village, Ltd. for conversion of the mobilehome park guided by the principles articulated in this opinion. In its review, the city council must determine whether the 2007 survey complies with the statute, without regard to the timing of the submission of the survey. If the city council finds it is adequate, the city council must consider the survey and may do so in determining whether the conversion is bona fide. In analyzing whether the conversion is bona fide, the city council may not, however, impose an absolute minimum threshold of tenant support for the conversion. Second, the city council may not disapprove the application on the ground that it conflicts with the city's general plan. And third, the city council must, in the first instance, determine whether the tenant impact report complies with the requirements for such a report as stated in section 66427.5, subdivision (b), taking into account its limited ability to require more information under sections 65940, subdivision (a) and 65944, subdivision (a). If the city council concludes the conversion is bona fide and the tenant impact report complies with statutory requirements, the city council must approve the application. If the city council concludes otherwise and disapproves the application, the city council must specify the grounds for its disapproval, with the trial court retaining jurisdiction to review the application in further proceedings considering Carson Harbor Village, Ltd.'s petition for writ of mandate. ( See El Dorado, supra, 96 Cal.App.4th at p. 1182.) Each side is to bear its own costs on appeal.

Rubin, J.

I concur: Flier, J.  
I dissent: Bigelow, P.J. (Opinion)